

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

Northern District of California

United States of America  
v.  
IAN CHRISTOPHER DARICEK

Case No.

FILED

APR 12 2021

MAG

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

CR 21 70603

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 21, 2021 in the county of Santa Clara in the  
Northern District of California, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 922(g)

Felon in Possession of a Firearm

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Approved as to form

Jeffrey A. Backhus  
USA

/s/

Complainant's signature

SA Russell Lacy, FBI

Printed name and title

Sworn to before me by telephone.

Date: April 6, 2021

Arcata,  
City and state: McKinleyville, California

[Signature]  
Judge's signature

Hon. Robert M. Illman, U.S. Magistrate Judge

Printed name and title

Print

Save As...

Attach

Reset

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**AFFIDAVIT OF FBI SPECIAL AGENT RUSSELL LACY IN SUPPORT OF  
THE APPLICATION FOR AN ARREST WARRANT AND COMPLAINT**

I, Russell Lacy, Special Agent with the Federal Bureau of Investigation (FBI), being duly sworn, hereby depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation and have been since July 2019. I am currently assigned to the San Jose Violent Crime Unit of the FBI's San Francisco Field Division. Prior to becoming an FBI Special Agent, I was an IT Project Manager for the Charlotte Douglas Airport in Charlotte, North Carolina.

2. My assignments include investigating individuals who are involved in the illegal possession and transfer of firearms, violent crimes involving firearms, and narcotics trafficking. I completed five months of training FBI Special Agent Basic Training program at the FBI academy in Quantico, Virginia. During the course of my employment with the FBI, I have investigated and assisted in the investigation of criminal violations relating to firearms and/or narcotics. During these investigations, I have participated in and utilized the following investigative tools: conducting physical surveillance, interviewing suspects, writing affidavits for search warrants, executing arrest and search warrants, analyzing phone records obtained from pen registers, trap and trace devices, and physical devices, and collecting and processing evidence.

3. This Affidavit is made in support of an application for a warrant to arrest Marcel Anthony DARICEK ("DARICEK") for a violation of 18 U.S.C. § 922(g) (Felon in Possession of a Firearm and Ammunition). As set forth in detail below, there is probable cause to believe that on or about January 21, 2021, DARICEK possessed a firearm and ammunition, knowing he had been convicted of an offense punishable by more than a year in jail.

4. The information contained in this Affidavit is based upon my training and experience, my personal knowledge of this investigation, and information provided to me by other agents and law enforcement officials who have assisted in this investigation and have experience investigating the violations of firearm laws. This Affidavit is intended to provide

probable cause to support the issuance of the complaint and arrest warrants and does not set forth all of the information of which I am aware. The Affidavit is limited to the facts relevant and necessary to establish probable cause for the requested arrest warrant.

**APPLICABLE LAW**

4. Title 18, United States Code, Section 922(g)(1) provides as follows:

(g) It shall be unlawful for any person—

(1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

...

to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce

**PROBABLE CAUSE**

5. On January 21, 2021, at approximately 6:50 p.m., San Jose Police Department (“SJPD”) Officers were in the area of Motel 6 at N. 1st Street and Brokaw Road, in San Jose, California, within the Northern District of California, due to the high criminal activity in the area. Officers observed a subject, later identified as DARICEK, exit from room #220. DARICEK was observed re-entering the room using a key. DARICEK was observed exiting and entering the room multiple times. Another Subject (“Subject 2”) approached the room and knocked on the door. The door was opened and Subject 2 entered the room.

6. A short time later, Officers saw DARICEK and Subject 2 get into the vehicle and leave the Motel 6. Subject 2 was driving and DARICEK was the front passenger. Officers attempted to conduct a vehicle stop for vehicle code violations in the area of Race Street and Parkmoor Avenue, in San Jose. The vehicle immediately pulled to the right. Officers observed DARICEK looking and moving around in the vehicle. DARICEK looked as if he was trying to

retrieve something or conceal something near the center console. DARICEK and Subject 2 looked toward each other and drove the vehicle away from the stop at a high rate of speed. The vehicle turned east bound on Saddle Rack Street and made another right on Lincoln Avenue. Officers later learned that a reporting citizen had contacted law enforcement and stated that they observed a firearm being thrown out of a vehicle similar to the vehicle driven by Subject 2 in the area of Race Street and Saddle Rack Street at around the same time as DARICEK's vehicle drove by.

7. Ultimately, the vehicle parked and DARICEK and Subject 2 attempted to walk away through an apartment complex on foot. However, SJPD Officers were able to locate DARICEK and Subject 2 and take them into custody.

8. Officers returned to the area of Race Street and Saddle Rack Street and located the firearm that had been thrown from DARICEK's vehicle. The firearm was a Taurus 9mm with the serial number obliterated and had 6 rounds of live ammunition in the magazine. Both the firearm and ammunition were manufactured outside of California and therefore traveled in interstate or foreign commerce. The firearm also had items engraved on the slide of the firearm including, but not limited to, the name "Jag." Other SJPD officers who have had prior contacts with DARICEK, had personal knowledge that he went by the moniker of "Jaguar." Accordingly, officers believed that the "Jag" engraved on the firearm represented that moniker. DARICEK also had a Visa card in his possession that had his name on the back and username on the front of "\$JaguarKnight1817."

9. DARICEK had multiple prior felony convictions at the time of his arrest. Specifically, on May 27, 2004, DARICEK was convicted of California Penal Code Section 459 (Second Degree Burglary), for which he was sentenced to fifteen (15) months' imprisonment. On October 25, 2004, DARICEK was convicted of California Penal Code Section 459 (Second Degree Burglary), for which he was sentenced to ten (10) months' imprisonment. On February 15, 2006, DARICEK was convicted of California Penal Code Section 48101 (Evade Police Officer: Disregard Safety), for which he was sentenced to sixteen (16) months' imprisonment.

On September 07, 2010, DARICEK was convicted of California Penal Code Section 459 (Second Degree Burglary), for which he was sentenced to two (2) years' imprisonment. On August 6, 2015, DARICEK was convicted of California Health and Safety Code Section 11370 (Possession of a Controlled Substance while Armed), for which he was sentenced to one (1) year imprisonment. Accordingly, DARICEK knew he had been convicted of an offense punishable by more than a year imprisonment.

**ADDITIONAL EVIDENCE**

10. A search warrant was served at DARICEK's room #220, at the Motel 6. Officers located, among other things, a M-11 Cobray 9mm assault weapon, a 10mm "ghost" Glock firearm, a large amount of heroin (approximately 132.7 grams), a large amount of methamphetamine (approximately 85.8 grams), and drug sales paraphernalia (plastic baggies, multiple cell phones, U.S. currency in multiple denominations). The heroin was broken up in to 73 individual bags containing approximately .6 grams as well as three larger bags.

**CONCLUSION**

11. Based upon the foregoing evidence, there is probable cause to believe that on or about January 21, 2021, DARICEK violated 18 U.S.C. § 922(g) (Felon in Possession of a Firearm and Ammunition). As such, I respectfully request that the court issue a criminal complaint and arrest warrant for DARICEK.

/s/

\_\_\_\_\_  
Russell Lacy  
Special Agent  
Federal Bureau of Investigation

Sworn and subscribed to before me over the telephone pursuant to Fed. R. Crim. P. 4.1 and 4(d) and signed by me on this \_\_\_6th\_\_\_ day of April 2021.

  
\_\_\_\_\_  
HON. ROBERT M. ILLMAN  
United States Magistrate Judge



AO 257 (Rev. 6/78)

**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**
 BY: ☒ COMPLAINT ☐ INFORMATION ☐ INDICTMENT  
☐ SUPERSEDING
**OFFENSE CHARGED**

Count One: 18 U.S.C. Section 922(g)(1) (Felon in Possession of a Firearm)

- ☐
- Petty
- 
- ☐
- Minor
- 
- ☐
- Misdemeanor
- 
- ☒
- Felony

PENALTY: Maximum term of imprisonment of ten (10) years; maximum \$250,000 fine; maximum term of supervised release of three (3) years; mandatory \$100 special assessment fee; and criminal forfeiture

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

**DEFENDANT - U.S.**

IAN CHRISTOPHER DARICEK

DISTRICT COURT NUMBER

CR 21 70603 MAG

**DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

 1) ☐ If not detained give date any prior summons was served on above charges
2) ☒ Is a Fugitive3) ☐ Is on Bail or Release from (show District)

NORTHERN DISTRICT OF CALIFORNIA

**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction☐ Federal ☐ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

**DATE OF ARREST**

Month/Day/Year

Or... if Arresting Agency &amp; Warrant were not

**DATE TRANSFERRED TO U.S. CUSTODY**

Month/Day/Year

☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

Federal Bureau of Investigation

☒ person is awaiting trial in another Federal or State Court, give name of court

Santa Clara County Superior Court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

SHOW DOCKET NO.

☐ U.S. ATTORNEY ☐ DEFENSE
☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form STEPHANIE M. HINDS

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) JEFFREY A. BACKHUS

**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS\* ☒ WARRANT

Bail Amount: No Bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: Before Judge:

Comments: